

REMARKS

The present application includes pending claims 1-31, all of which have been rejected. Claims 1, 11 and 21 have been amended for clarification.

All of claims 1-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0072027 ("Haines"), in view of U.S. Patent No. 6,058,106 ("Cudak") and U.S. Patent No. 6,839,848 ("Kirkoshi"). The Applicant respectfully traverses these rejections for at least the reasons previously discussed during prosecution and the following.

With respect to claim 1, the Applicant submits that the combination of Haines, Cudak and Kirkoshi does not describe, teach or suggest "associating at least one identifier with said legacy media peripheral, wherein said at least one identifier is used to validate said legacy media peripheral for use at said first geographic location." The Office Action cites Haines at ¶¶ [0009] and [0085]-[0086] as disclosing these limitations. Thus, the Applicant will address each of these cited paragraphs.

First, Haines states the following:

In accordance with another aspect of the present invention, an article of manufacture includes a computer usable medium having computer readable code embodied therein. The computer readable code is configured to cause a processor to determine that a status change has occurred in the peripheral device, *combine a unique device identifier relevant to the peripheral device with the status change to form an electronic message* and transmit the electronic message from an embedded web server contained in the peripheral device across a firewall.

Haines at ¶ [0009] (emphasis added). This cited portion of Haines only discloses that a “unique device identifier” is combined with a status change to form an electronic message. However, neither this cited portion, nor the remainder, of Haines describes, teaches or suggests “associating at least one identifier with said legacy media peripheral, wherein said at least one identifier **is used to validate said legacy media peripheral for use at said first geographic location,**” as recited in claim 1.

Next, Haines states the following:

The embedded web server 26 of FIG. 1 then combines a device identifier with the detected consumable or maintenance threshold status in a step S62. In one embodiment, the device identifier comprises a serial number of the peripheral device. In this embodiment, the vendor has previously associated this serial number with other data, such as the identity and physical address of the owner or user of the peripheral device.

In one embodiment, the device identifier comprises an account number that was assigned to the peripheral device during the process P2. In one embodiment, the account number was stored in the embedded web server 26 of the peripheral device 14. In one embodiment, a group of similar devices having a common user or owner, or maintainer, may share an account number.

Id. at [0085]-[0086]. This portion of Haines discloses that a device identifier, which includes a serial number of a peripheral device, is combined with a detected consumable or maintenance threshold status. The serial number is previously associated with the identity and physical address of a user of the device. The device

identifier may also include an account number, which may be shared by a group of similar devices.

While this portion of Haines discloses that the serial number may be associated with the identity and address of a user, there is nothing in it that describes, teaches or suggests that the device identifier is used to validate use of the device at a particular location. That is, neither the cited portions, nor the remainder, of Haines describes, teaches or suggests “associating at least one identifier with said legacy media peripheral, wherein said at least one identifier **is used to validate said legacy media peripheral for use at said first geographic location,**” as recited in claim 1.

The Office Action has not shown that either Cudak or Kirkoshi makes up for these deficiencies. Thus, the Applicant respectfully submits that the Office Action has not shown that the proposed combination of references describes, teaches or suggests all the limitations of claim 1. For at least this reason, a *prima facie* case of obviousness has not been established.

Indeed, the Applicant respectfully submits that independent claim 1 is not rendered unpatentable over the proposed combination of references. Independent claims 11 and 21 recites similar limitations to those noted above. Therefore, the Applicant submits that claims 1, 11, 21 and the claims that depend therefrom are allowable over the cited references.

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In general, the Office Action makes various statements regarding the pending claims 1-31 and the cited references, which are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

If the Examiner has any questions or the Applicant can be of any assistance, the Examiner is invited to contact the undersigned attorney. The Commissioner is authorized to charge any necessary fees, including the \$1050 extension of time fee, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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